

SSB 5287 - S AMD 614

By Senators Zarelli, Prentice

PULLED 04/22/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to  
4 read as follows:

5 (1) Any license to engage in any of the gambling activities  
6 authorized by this chapter ((as now exists or as hereafter amended)),  
7 and issued under the authority thereof shall be legal authority to  
8 engage in the gambling activities for which issued throughout the  
9 incorporated and unincorporated area of any county, except that:

10 (a) The commission shall neither issue nor renew any license to  
11 engage in a house-banked card game except in a location specified in a  
12 license to conduct a house-banked card game approved pursuant to  
13 subsection (4) of this section, or that, as of March 10, 2005:

14 (i) Is approved by the commission, is in effect, and is not  
15 subsequently a license at issue in an application for relocation  
16 submitted pursuant to subsection (4) of this section; or

17 (ii) Has been submitted to and has not subsequently been denied by  
18 the commission;

19 (b) A licensee authorized to engage in house-banked card games  
20 pursuant to a license described in (a) of this subsection may continue  
21 to engage only in gambling activity authorized under the license  
22 unless, on the renewal date of the license, the city, town, city-  
23 county, or county with jurisdiction over the location identified in the  
24 license has in effect an ordinance, resolution, or other legislative  
25 act adopted pursuant to (c) of this subsection prohibiting such  
26 gambling activity; and

27 (c) A city located therein with respect to that city, or a county  
28 with respect to all areas within that county except for such cities,  
29 may absolutely prohibit((, but may not change the scope of license,))  
30 any or all of the gambling activities for which the license was issued.

1       (2) Nothing in this section authorizes any city, town, city-county,  
2 or county to adopt or enforce any ordinance, resolution, or other  
3 legislative act changing or purporting to change any provision within  
4 the scope of a license issued under this chapter.

5       (3) For purposes of this section, an ordinance, resolution, or  
6 other legislative act that:

7       (a) Prohibits all house-banked card games within the applicable  
8 jurisdiction on and after the effective date of the legislative act, or  
9 on and after any other date specified in the legislative act, shall be  
10 deemed to be an act adopted in compliance with subsection (1)(c) of  
11 this section;

12       (b) Allows any house-banked card games to continue to operate  
13 within the applicable jurisdiction for an indefinite period after the  
14 effective date of the legislative act, or after another date, if any,  
15 specified in the legislative act, shall be deemed to be an act not in  
16 compliance with subsection (1)(c) of this section, and is null and  
17 void.

18       (4) The commission may issue or renew a license to engage in a  
19 house-banked card game in a location specified in an application  
20 submitted pursuant to rules adopted by the commission to relocate a  
21 licensed premise, if:

22       (a)(i) The applicant is, as of March 10, 2005, licensed to engage  
23 in a house-banked card game; (ii) the application for approval to be  
24 relocated is submitted to the commission on or before July 1, 2010; and  
25 (iii) the location to which the applicant requests to be relocated is  
26 within the geographic boundaries of the same jurisdiction in which the  
27 licensee is authorized by the commission to operate on the date the  
28 application is submitted;

29       (b) The city, town, city-county, or county in which the licensee  
30 described in (a) of this subsection is licensed by the commission to  
31 operate adopts an ordinance or resolution unequivocally approving and  
32 supporting the licensee's request to relocate: (i) By at least a sixty  
33 percent majority vote of the members of the jurisdiction's legislative  
34 body; and (ii) within ninety days of the date the application described  
35 in (a) of this subsection is submitted; and

36       (c) The commission approves the application to relocate with at  
37 least a sixty percent majority vote of the voting members of the  
38 commission.

1       (5) The commission shall not approve an application submitted  
2 pursuant to subsection (4) of this section if the licensee: (a) Has  
3 previously applied to relocate the premise; or (b) does not meet any  
4 existing standard required to obtain or retain a license to engage in  
5 a house-banked card game.

6       (6) An application to relocate a licensed premise under subsection  
7 (4) of this section shall not be approved, and if previously approved,  
8 the license to engage in a house-banked card game at such location  
9 shall be revoked and not subsequently issued or renewed in any  
10 location, if the licensee who submitted the application under  
11 subsection (4) of this section, or any director, officer, or other  
12 substantial interest holder of the licensed gambling activity, pleads  
13 guilty to or is found guilty of any crime constituting, or if  
14 prosecuted under the laws of Washington would constitute, a class A, B,  
15 or C felony under RCW 9A.20.021 or 9A.20.040 or Title 9 RCW, arising  
16 out of any act or acts that occurred at any time the licensee held a  
17 license issued by the commission.

18       **Sec. 2.** RCW 9.46.070 and 2002 c 119 s 1 are each amended to read  
19 as follows:

20       The commission shall have the following powers and duties:

21       (1) To authorize and issue licenses for a period not to exceed one  
22 year to bona fide charitable or nonprofit organizations approved by the  
23 commission meeting the requirements of this chapter and any rules (~~and~~  
24 ~~regulations~~) adopted pursuant thereto permitting said organizations to  
25 conduct bingo games, raffles, amusement games, and social card games,  
26 to utilize punch boards and pull-tabs in accordance with the provisions  
27 of this chapter and any rules (~~and regulations~~) adopted pursuant  
28 thereto and to revoke or suspend said licenses for violation of any  
29 provisions of this chapter or any rules (~~and regulations~~) adopted  
30 pursuant thereto( ~~(PROVIDED, That)~~). However, except as provided in  
31 RCW 9.46.295, the commission shall not deny a license to an otherwise  
32 qualified applicant in an effort to limit the number of licenses to be  
33 issued( ~~(PROVIDED FURTHER, That)~~). The commission or director shall  
34 not issue, deny, suspend, or revoke any license because of  
35 considerations of race, sex, creed, color, or national origin( ~~(AND~~  
36 PROVIDED FURTHER, That)). The commission may authorize the director to

1 temporarily issue or suspend licenses subject to final action by the  
2 commission;

3 (2) To authorize and issue licenses for a period not to exceed one  
4 year to any person, association, or organization operating a business  
5 primarily engaged in the selling of items of food or drink for  
6 consumption on the premises, approved by the commission meeting the  
7 requirements of this chapter and any rules (~~and regulations~~) adopted  
8 pursuant thereto permitting said person, association, or organization  
9 to utilize punch boards and pull-tabs and to conduct social card games  
10 as a commercial stimulant in accordance with the provisions of this  
11 chapter and any rules (~~and regulations~~) adopted pursuant thereto and  
12 to revoke or suspend said licenses for violation of any provisions of  
13 this chapter and any rules (~~and regulations~~) adopted pursuant  
14 thereto(~~(: PROVIDED, That)~~). However, except as provided in RCW  
15 9.46.295, the commission shall not deny a license to an otherwise  
16 qualified applicant in an effort to limit the number of licenses to be  
17 issued(~~(: PROVIDED FURTHER, That)~~). The commission may authorize the  
18 director to temporarily issue or suspend licenses subject to final  
19 action by the commission;

20 (3) To authorize and issue licenses for a period not to exceed one  
21 year to any person, association, or organization approved by the  
22 commission meeting the requirements of this chapter and meeting the  
23 requirements of any rules and regulations adopted by the commission  
24 pursuant to this chapter as now or hereafter amended, permitting said  
25 person, association, or organization to conduct or operate amusement  
26 games in such manner and at such locations as the commission may  
27 determine;

28 (4) To authorize, require, and issue, for a period not to exceed  
29 one year, such licenses as the commission may by rule provide, to any  
30 person, association, or organization to engage in the selling,  
31 distributing, or otherwise supplying or in the manufacturing of devices  
32 for use within this state for those activities authorized by this  
33 chapter;

34 (5) To establish a schedule of annual license fees for carrying on  
35 specific gambling activities upon the premises, and for such other  
36 activities as may be licensed by the commission, which fees shall  
37 provide to the commission not less than an amount of money adequate to  
38 cover all costs incurred by the commission relative to licensing under

1 this chapter and the enforcement by the commission of the provisions of  
2 this chapter and rules and regulations adopted pursuant thereto:  
3 PROVIDED, That all licensing fees shall be submitted with an  
4 application therefor and such portion of said fee as the commission may  
5 determine, based upon its cost of processing and investigation, shall  
6 be retained by the commission upon the withdrawal or denial of any such  
7 license application as its reasonable expense for processing the  
8 application and investigation into the granting thereof: PROVIDED  
9 FURTHER, That if in a particular case the basic license fee established  
10 by the commission for a particular class of license is less than the  
11 commission's actual expenses to investigate that particular  
12 application, the commission may at any time charge to that applicant  
13 such additional fees as are necessary to pay the commission for those  
14 costs. The commission may decline to proceed with its investigation  
15 and no license shall be issued until the commission has been fully paid  
16 therefor by the applicant: AND PROVIDED FURTHER, That the commission  
17 may establish fees for the furnishing by it to licensees of  
18 identification stamps to be affixed to such devices and equipment as  
19 required by the commission and for such other special services or  
20 programs required or offered by the commission, the amount of each of  
21 these fees to be not less than is adequate to offset the cost to the  
22 commission of the stamps and of administering their dispersal to  
23 licensees or the cost of administering such other special services,  
24 requirements or programs;

25 (6) To prescribe the manner and method of payment of taxes, fees  
26 and penalties to be paid to or collected by the commission;

27 (7) To require that applications for all licenses contain such  
28 information as may be required by the commission: PROVIDED, That all  
29 persons (a) having a managerial or ownership interest in any gambling  
30 activity, or the building in which any gambling activity occurs, or the  
31 equipment to be used for any gambling activity, or (b) participating as  
32 an employee in the operation of any gambling activity, shall be listed  
33 on the application for the license and the applicant shall certify on  
34 the application, under oath, that the persons named on the application  
35 are all of the persons known to have an interest in any gambling  
36 activity, building, or equipment by the person making such application:  
37 PROVIDED FURTHER, That the commission shall require fingerprinting and  
38 national criminal history background checks on any persons seeking

1 licenses, certifications, or permits under this chapter or of any  
2 person holding an interest in any gambling activity, building, or  
3 equipment to be used therefor, or of any person participating as an  
4 employee in the operation of any gambling activity. All national  
5 criminal history background checks shall be conducted using  
6 fingerprints submitted to the United States department of justice-  
7 federal bureau of investigation. The commission must establish rules  
8 to delineate which persons named on the application are subject to  
9 national criminal history background checks. In identifying these  
10 persons, the commission must take into consideration the nature,  
11 character, size, and scope of the gambling activities requested by the  
12 persons making such applications;

13 (8) To require that any license holder maintain records as directed  
14 by the commission and submit such reports as the commission may deem  
15 necessary;

16 (9) To require that all income from bingo games, raffles, and  
17 amusement games be recorded and reported as established by rule or  
18 regulation of the commission to the extent deemed necessary by  
19 considering the scope and character of the gambling activity in such a  
20 manner that will disclose gross income from any gambling activity,  
21 amounts received from each player, the nature and value of prizes, and  
22 the fact of distributions of such prizes to the winners thereof;

23 (10) To regulate and establish maximum limitations on income  
24 derived from bingo. In establishing limitations pursuant to this  
25 subsection the commission shall take into account (i) the nature,  
26 character, and scope of the activities of the licensee; (ii) the source  
27 of all other income of the licensee; and (iii) the percentage or extent  
28 to which income derived from bingo is used for charitable, as  
29 distinguished from nonprofit, purposes. However, the commission's  
30 powers and duties granted by this subsection are discretionary and not  
31 mandatory;

32 (11) To regulate and establish the type and scope of and manner of  
33 conducting the gambling activities authorized by this chapter,  
34 including but not limited to, the extent of wager, money, or other  
35 thing of value which may be wagered or contributed or won by a player  
36 in any such activities;

37 (12) To regulate the collection of and the accounting for the fee

1 which may be imposed by an organization, corporation, or person  
2 licensed to conduct a social card game on a person desiring to become  
3 a player in a social card game in accordance with RCW 9.46.0282;

4 (13) To cooperate with and secure the cooperation of county, city,  
5 and other local or state agencies in investigating any matter within  
6 the scope of its duties and responsibilities;

7 (14) In accordance with RCW 9.46.080, to adopt such rules and  
8 regulations as are deemed necessary to carry out the purposes and  
9 provisions of this chapter. All rules and regulations shall be adopted  
10 pursuant to the administrative procedure act, chapter 34.05 RCW;

11 (15) To set forth for the perusal of counties, city-counties,  
12 cities and towns, model ordinances by which any legislative authority  
13 thereof may enter into the taxing of any gambling activity authorized  
14 by this chapter;

15 (16) To establish and regulate a maximum limit on salaries or wages  
16 which may be paid to persons employed in connection with activities  
17 conducted by bona fide charitable or nonprofit organizations and  
18 authorized by this chapter, where payment of such persons is allowed,  
19 and to regulate and establish maximum limits for other expenses in  
20 connection with such authorized activities, including but not limited  
21 to rent or lease payments. However, the commissioner's powers and  
22 duties granted by this subsection are discretionary and not mandatory.

23 In establishing these maximum limits the commission shall take into  
24 account the amount of income received, or expected to be received, from  
25 the class of activities to which the limits will apply and the amount  
26 of money the games could generate for authorized charitable or  
27 nonprofit purposes absent such expenses. The commission may also take  
28 into account, in its discretion, other factors, including but not  
29 limited to, the local prevailing wage scale and whether charitable  
30 purposes are benefited by the activities;

31 (17) To authorize, require, and issue for a period not to exceed  
32 one year such licenses or permits, for which the commission may by rule  
33 provide, to any person to work for any operator of any gambling  
34 activity authorized by this chapter in connection with that activity,  
35 or any manufacturer, supplier, or distributor of devices for those  
36 activities in connection with such business. The commission shall not  
37 require that persons working solely as volunteers in an authorized  
38 activity conducted by a bona fide charitable or bona fide nonprofit

1 organization, who receive no compensation of any kind for any purpose  
2 from that organization, and who have no managerial or supervisory  
3 responsibility in connection with that activity, be licensed to do such  
4 work. The commission may require that licensees employing such  
5 unlicensed volunteers submit to the commission periodically a list of  
6 the names, addresses, and dates of birth of the volunteers. If any  
7 volunteer is not approved by the commission, the commission may require  
8 that the licensee not allow that person to work in connection with the  
9 licensed activity;

10 (18) To publish and make available at the office of the commission  
11 or elsewhere to anyone requesting it a list of the commission  
12 licensees, including the name, address, type of license, and license  
13 number of each licensee;

14 (19) To establish guidelines for determining what constitutes  
15 active membership in bona fide nonprofit or charitable organizations  
16 for the purposes of this chapter; and

17 (20) To perform all other matters and things necessary to carry out  
18 the purposes and provisions of this chapter.

19 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately."

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By Senators Zarelli, Prentice

**PULLED 04/22/2005**

23 On page 1, line 1 of the title, after "games;" strike the remainder  
24 of the title and insert "amending RCW 9.46.295 and 9.46.070; and  
25 declaring an emergency."

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